

Applicant or Patentee: Rosolom et al Attorney's
Serial or Patent No.: _____ Docket No.: D5425CIP4

Filed or Issued:
For: Immunotoxins Directed Against c-erbB-2 (HER-2/Neu) Related Surface Antigens

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official of the nonprofit organization empowered to act on behalf of the concern identified below:

NAME OF ORGANIZATION: Research Development Foundation
ADDRESS OF CONCERN: 402 North Division Street
Carson City, Nevada 89703

TYPE OF ORGANIZATION:
X TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))

I hereby declare that the above identified nonprofit organization qualifies as a nonprofit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above with regard to the invention, entitled as above by inventor(s) as above described in
☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JAMES F. WEILER
TITLE OF PERSON OTHER THAN OWNER: VICE PRESIDENT
ADDRESS OF PERSON SIGNING ONE RIVERWAY, SUITE 1560, HOUSTON, TEXAS 77056
SIGNATURE: [Signature]
DATE: 5.19.99

DOCKET NO: DS425CIP2

COMBINED DECLARATION AND POWER OF ATTORNEY

I, **Michael G. Rosenblum**, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and co-inventor, together with **Laura K. Shawver**, of the subject matter which is claimed and for which a patent is sought on the invention entitled, **Immunotoxins Directed Against c-erbB-2 (HER-2/Neu) Related Surface Antigens**; the specification of which is attached hereto and claims benefit of priority under 35 USC 120 of USSN 08/404,499 filed March 17, 1995, which is a continuation in part of US Serial No. 08/300,082, filed September 2, 1994, now abandoned, which is a continuation of US Serial No. 08/164,638, filed 12/09/93, now abandoned, which is a continuation of US Serial No. 07/867,728, filed 04/10/92, now abandoned.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a), including information which became known to me between the filing date of the prior application and the national or PCT international filing date of this continuation-in-part patent application.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Dr. Benjamin Adler**, Registration No. 35,423. Address all telephone calls to **Dr. Benjamin Adler** at telephone number 713/777-2321. Address correspondence to **Dr. Benjamin Adler**, MCGREGOR & ADLER, LLP, 8011 Candle Lane, Houston, TX 77071.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: **Michael Rosenblum**

Inventor's Signature:  Date: 5/19/99

Residence Address: 3127 Stoney Mist Dr., Sugar Land, TX 77479

Citizen of: United States of America

Post Office Address: 3127 Stoney Mist Dr., Sugar Land, TX 77479

RECEIVED MAY 20 1999

FROM : MCGREGOR&ADLER, P.C.

PHONE NO. :

May. 20 1999 12:34PM P2

DOCKET NO: D5425CIP2

COMBINED DECLARATION AND POWER OF ATTORNEY

I, **Laura K. Shawver**, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and co-inventor, together with **Michael G. Rosenblum**, of the subject matter which is claimed and for which a patent is sought on the invention entitled, **Immunotoxins Directed Against c-erbB-2 (HER-2/Neu) Related Surface Antigens**; the specification of which is attached hereto and claims benefit of priority under 35 USC 120 of USSN 08/404,499 filed March 17, 1995, which is a continuation in part of US Serial No. 08/300,082, filed September 2, 1994, now abandoned, which is a continuation of US Serial No. 08/164,638, filed 12/09/93, now abandoned, which is a continuation of US Serial No. 07/867,728, filed 04/10/92, now abandoned.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: **Laura K. Shawver**

Inventor's Signature: *Laura K. Shawver* Date: May 24, 1995

Residence Address: 216 Cotter Street, San Francisco, CA 94112

Citizen of: United States of America

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